

**CLACKMANNANSHIRE COUNCIL**

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**Report to: Housing, Health and Care Committee of 23rd August 2012**

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**Subject: The Scottish Social Housing Charter**

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**Prepared by: Head of Community & Regulatory Services**

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## **1.0 Purpose**

1.1 This report updates the Committee on the introduction of the Scottish Social Housing Charter which came into effect on 1 April 2012. The Housing (Scotland) Act 2010 sets out the Scottish Government's plans for modernising and streamlining the regulation of Social Housing. The Act includes the requirement for Scottish Ministers to publish a Charter which sets the standards and outcomes that tenants and others who use their services can expect from Social Landlords.

## **2.0 Recommendations**

2.1 It is recommended that Committee notes the content of this report and agrees :

- (a) that, following discussions with tenants, customers and partner landlords, a further report on our approach for meeting the reporting requirements of the Scottish Housing Regulator from April 2013, is presented to Committee.

## **3.0 Background**

3.1 The purpose of The Housing (Scotland) Act 2010 is to:

- Improve the value that Social Housing delivers for tenants and taxpayers;
- Safeguard the supply of Social Housing for the use of future generations of tenants.

3.2 The Act is divided into 17 main parts. All elements are listed in Appendix 1. The following is a summary of the elements that apply to Local Authority Landlords and tenants:

3.2.1 The Scottish Housing Regulator (SHR) is established as an independent regulator with direct accountability to the Scottish Parliament. The objective is to safeguard and promote the interests of tenants, prospective tenants,

homeless people and others using housing services provided by Social Landlords. The regulatory framework details how they will use the powers and duties available to them.

- 3.2.2 Scottish Ministers will specify the standards and outcomes Social Landlords must aim to achieve in a Social Housing Charter, and for the SHR to set performance improvement targets and assess and report on their performance.
- 3.2.3 The SHR has powers to carry out inquiries and obtain information from Social Landlords.
- 3.2.4 The SHR has a range of powers to intervene where it has concerns about a Social Landlord's performance.
- 3.2.5 The Act makes special provision, including approval by tenants, for a change of landlord from a local authority landlord.
- 3.2.6 Reform of the Right to Buy (RTB) is also covered in the Act.
- 3.2.7 Amendments to the Housing (Scotland) Act 2006 involve changes to Local Authority maintenance powers, charging orders and repayment charges, the Scheme of Assistance and enforcement powers.
- 3.2.8 The Act also includes amendments to existing legislation, to ensure adequate support for tenants including rent arrears pre-action requirements for Scottish Secure Tenancies, and Housing Support for persons found to be Homeless or threatened with Homelessness.

## **4.0 Background**

### **4.1 The Scottish Social Housing Charter Outcomes and Indicators**

- 4.1.1 The Scottish Government consulted widely with landlords, tenants groups and interested individuals to discuss and agree the final Charter. In line with the national approach, the Council held two local consultation events on the Charter outcomes and the results of the consultations are published on the Council website. The first event was held on the Charter discussion paper, and was followed up by a consultation into the final Charter outcomes. As reported to Special Council in February 2011, our tenants confirmed that they want a role in the ongoing self assessment process and a greater role in ensuring transparency of the Housing Revenue Account.
- 4.1.2 The purpose of the Charter and the underlying indicators is to help to improve the quality and value of the services that Social Landlords deliver for their tenants and other customers, and supports the Scottish Government's strategic objective of a safer and stronger Scotland. It will do so in the following ways:

- By providing tenants and other customers with a clear statement of what they can expect from Social Landlords, and helping them to hold landlords to account;
- It will focus the efforts of Social Landlords on achieving outcomes that matter to their tenants and other customers;
- It will provide the basis for the SHR to assess and report on how well landlords are performing. This will enable the Regulator, tenants and other customers, and social landlords to identify areas of strong performance and areas where improvement is needed.

4.1.3 The Charter includes sections covering equalities; customer/landlord relationship; housing quality and maintenance; neighbourhood and community; access to housing and support; getting good value from rents and service charges; and other customers. There are 16 outcomes and each outcome is accompanied by a short narrative that describes the context of the outcome, including areas of activity to which it applies and any relevant legal duties connected with it. The full details of the Charter Outcomes and the proposed indicators which the SHR is currently consulting on, are set out at Appendix 2.

## 4.2 **The Scottish Social Housing Charter and the Regulatory Framework**

4.2.1 The SHR have set out proposals for reporting social landlord's performance to tenants, homeless people and others who use their service. The SHR is aiming to set a framework which supports the purpose of assisting tenants to understand their landlord's performance and help them hold their landlord to account. The SHR will also use landlords' response to the Charter as an opportunity to form a view of the risk to tenants and the sector of each landlord not achieving the Charter outcomes and standards.

4.2.2 In addition to the use of indicators, the SHR will also have an annual programme of thematic inspections that will look at identified areas of the Charter. This will have a particular focus on those Charter outcomes that require a more qualitative based assessment. This could include the outcomes on equalities, communication, participation and Housing Options. Clackmannanshire Council is currently working with Quality Scotland and other Social Landlords to align the Charter outcomes to the Clacks Improvement Model based on the Public Sector Improvement Framework (PSIF).

4.2.3 Landlords must meet all of the outcomes and standards in the Charter. In addition to reporting performance to the SHR, the Council must also agree with tenants and other customers how they will be informed of the results in meeting the requirements of the Charter. Landlords and the regulators reports will also be used by the Scottish Government to ensure that public investment in new social housing only goes to landlords assessed as performing well.

4.2.4 Each year the regulator will assess and prioritise the risks each landlord presents to their statutory objective and then decide what their regulatory response should be, if any. This will be done predominately via the Council's

progress towards meeting the Scottish Social Housing Charter. In addition the SHR will also use information from:

- The Council's tenants and services users;
- Past engagement with Councils, including inspections and follow-up improvement work;
- Landlords websites and publications ;
- Complaints and the Council's response to them.

4.2.5 The SHR has produced a regulatory cycle and a timetable of deadlines for each social landlord to meet, as shown in Appendix 3.

When	Who	What
Throughout year	Clackmannanshire Council	Assesses performance against the Charter
By the end of May	Clackmannanshire Council	Completes and submits Annual Return on the Charter (ARC) to SHR
August	SHR	Publishes on the SHR website a report about each landlord with key data from its ARC
By the end of October	Clackmannanshire Council	Reports its performance to all its tenants
By March	SHR	Publishes regulation plans for RSLs and contributes to Assurance and Improvement Plans for councils
By March	SHR	Publishes a report on the analysis of the sector's performance in achieving the Charter

4.2.6 From April 2013 the SHR requires Councils to start collecting and providing them with information on their performance. The first formal deadline is to complete the submission on the Charter by the end of May 2014. Social Landlords have then to inform their tenants of the performance results, including benchmarking and cost comparisons where appropriate, by the end of October 2014.

4.2.7 For Local Authorities, the SHR will work through the Joint Scrutiny Framework and Shared Risk Assessment agreed with other scrutiny bodies. They will carry out an annual risk assessment and feed this into the Shared Risk Assessment, together with the SHR's recommended scrutiny response. They will co-ordinate and schedule their scrutiny activity with other bodies and identify opportunities for joint scrutiny where appropriate. Their planned scrutiny will be detailed within the Assurance and Improvement Plan that is shared and discussed with each Council, and which Audit Scotland publishes on its website.

4.2.8 In consultation with stakeholders, Scottish Ministers will review its effect on the quality and value of social landlords' services, and its value to tenants and other customers, social landlords and the Scottish Housing Regulator. The review will start within two years of the Charter coming into force so that Scottish Ministers can take the review's findings into account in preparing a revised Charter, which will take effect from 1 April 2017.

4.2.9 The further report that will be presented to Committee on 21 March 2013 will document our approach to meet the SHR requirements, and will include recommendations for the Committee to approve how the Council will meet its responsibilities.

## 5.0 SUSTAINABILITY IMPLICATIONS

5.1 The sustainability implications of this report are comprehensively positive in terms of community participation, the local economy, energy efficiency, the environment, asset management and human resources.

## 6.0 RESOURCE IMPLICATIONS

### 6.1 Financial

6.2 Finance have been consulted and have agreed the financial implications as set out in the report. Yes

### 6.3 Staffing

6.4 As noted in the report.

## 7.0 Exempt Reports

7.1 Is this report exempt? Yes  (please detail the reasons for exemption below) No

## 8.0 Declarations

8.1 **The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.**

(1) **Our Priorities** (Please tick )

- |  |                                     |
|--|-------------------------------------|
| The area has a positive image and attracts people and businesses         | <input type="checkbox"/>            |
| Our communities are more cohesive and inclusive                          | <input checked="" type="checkbox"/> |
| People are better skilled, trained and ready for learning and employment | <input type="checkbox"/>            |
| Our communities are safer  | <input checked="" type="checkbox"/> |
| Vulnerable people and families are supported                             | <input checked="" type="checkbox"/> |
| Substance misuse and its effects are reduced                             | <input type="checkbox"/>            |
| Health is improving and health inequalities are reducing                 | <input type="checkbox"/>            |
| The environment is protected and enhanced for all                        | <input checked="" type="checkbox"/> |
| The Council is effective, efficient and recognised for excellence        | <input checked="" type="checkbox"/> |

(2) **Council Policies** (Please detail)

## 9.0 Equalities Impact

9.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes  No

## 10.0 Legality

10.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers Yes

## 12.0 Appendices

12.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 - Parts of Housing (Scotland) Act 2010

Appendix 2 - Charter Outcomes and the proposed SHR indicators

Appendix 3 - The Regulatory Cycle

## 13.0 Background Papers

13.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes  (please list the documents below) No

Housing Revenue Budget 2011/12 and Capital Programme 2011/12 (February 2011).

As referenced in the report:

Scottish Housing Regulator framework -

[http://www.scottishhousingregulator.gov.uk/sites/default/files/publications/Our\\_Regulatory\\_Framework.pdf](http://www.scottishhousingregulator.gov.uk/sites/default/files/publications/Our_Regulatory_Framework.pdf)

The Scottish Social Housing Charter Discussion Paper Community Consultation Event Feedback April 2011 -

<http://www.clacksweb.org.uk/document/3327.pdf>

Clackmannanshire Council Consultation Response to the final Charter outcomes Nov 2011 - <http://www.clacksweb.org.uk/document/3757.pdf>

<http://clacksweb/document/meeting/127/397/3346.pdf>


Scottish Housing Regulator Consultation on Charter Indicators -

<http://www.scottishhousingregulator.gov.uk/sites/default/files/publications/Consultation%20on%20Charter%20Indicators.pdf>

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**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
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## **Appendix 1 - Housing (Scotland) Act 2010**

The Act is in 17 Parts. The main elements are:

- **Part 1** establishes the Scottish Housing Regulator as an independent regulator with the objective of safeguarding and promoting the interests of tenants, prospective tenants, homeless people and others using housing services provided by social landlords.
- **Part 2** requires the Scottish Housing Regulator to keep a register of social landlords and sets out the criteria for registration and the circumstances in which a body may be removed from the register.
- **Part 3** provides for Scottish Ministers to specify the standards and outcomes social landlords must aim to achieve in a Social Housing Charter, and for the Scottish Housing Regulator to set performance improvement targets and assess and report on their performance. It also requires the Scottish Housing Regulator to set out standards of governance and financial viability for registered social landlords.
- **Part 4** provides the Scottish Housing Regulator with powers to carry out inquiries and obtain information from social landlords.
- **Part 5** gives the Scottish Housing Regulator a range of powers to intervene where it has concerns about a social landlord's performance, governance arrangements or financial viability. It also requires the regulator to issue a code of practice explaining how it will use its intervention powers.
- **Part 6** provides for the Scottish Housing Regulator to set accounting requirements for registered social landlords.
- **Part 7** provides the Scottish Housing Regulator with powers to deal with an insolvent registered social landlord.
- **Part 8** deals with the constitution, rule changes, amalgamation and dissolution of registered social landlords.
- **Part 9** sets out controls on the disposal of land by registered social landlords.
- **Part 10** sets out a special procedure for certain disposals by and restructurings of registered social landlords where there is a change of landlord.

- **Part 11** makes special provision, including approval by tenants, for a change of landlord from a local authority landlord.
- **Part 12** makes provision for regulation of charitable registered social landlords.
- **Part 13** makes provision for long leases and heritable securities where a social landlord or a rural housing body is, or is to be, the lessee or the debtor in the security.
- **Part 14** reforms the Right to Buy (RTB).
- **Part 15** amends the Housing (Scotland) Act 2006. The changes relate to local authority maintenance powers, charging orders and repayment charges, the scheme of assistance and enforcement powers.
- **Part 16** includes miscellaneous amendments to existing legislation to ensure adequate support for tenants including rent arrears pre-action requirements for Scottish Secure Tenancies, and Housing Support for persons found to be Homeless or threatened with Homelessness.
- **Part 17** sets out supplementary and final provisions.

Explanatory notes on the Housing (Scotland) Act 2010 can be found by following the link

<http://www.legislation.gov.uk/asp/2010/17/notes/division/3>.

## Appendix 2 - Charter Outcome Indicators

Outcome	Indicators
<b>1. Equalities</b>	Social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.
<b>1.1</b>	Monitoring ethnic origins and disability indicator for service users, staff. And for RSLs only, governing body members.
<b>2. Communication</b>	Social landlords manage their businesses so that tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.
<b>2.1</b>	Percentage of tenants and other service users satisfied their landlord is keeping them informed about things that might affect them.
<b>2.2</b>	Percentage of 1st and 2nd stage complaints, including those relating to equalities issues received in the last year, that were resolved by the landlord and also the number of complaints upheld.
<b>2.3</b>	The percentage of 1st and 2nd stage complaints dealt with in the last year, within the Scottish Public Service Ombudsman (SPSO) Model Complaints Handling Procedure (CHP) timescales.
<b>3. Participation</b>	Social landlords manage their businesses so that tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.
<b>3.1</b>	Percentage of tenants and other customers satisfied with the opportunities given to them to participate in their landlord's decision making processes.
<b>4. Quality of Housing</b>	Social landlords manage their businesses so that tenants' homes, as a minimum, meet the Scottish Housing Quality Standard (SHQS) by April 2015 and continue to meet it thereafter, and when they are allocated, are always clean, tidy and in a good state of repair.

<p><b>4.1</b> Percentage of properties meeting the Scottish Housing Quality Standard (SHQS).</p> <p><b>4.2</b> Percentage of properties at or above the NHER (National Home Energy Rating) or SAP (Standard Assessment Procedure) ratings specified in element 35 of the SHQS.</p> <p><b>4.3</b> Percentage of tenants satisfied with the standard of their home when moving in.</p> <p><b>4.4</b> Percentage of existing tenants satisfied with the quality of their home.</p>	
<p><b>5. Repairs, maintenance and improvements</b></p>	<p>Social landlords manage their businesses so that tenants' homes are well maintained, with repairs and improvements carried out when required, and tenants are given reasonable choices about when work is done.</p>
<p><b>5.1</b> Average number of reactive repairs completed per occupied property.</p> <p><b>5.2</b> Average length of time taken to complete emergency repairs.</p> <p><b>5.3</b> Average length of time taken to complete non-emergency repairs.</p> <p><b>5.4</b> Number of repairs appointments made and number kept.</p> <p><b>5.5</b> Number of properties that require gas safety certificates and number with current gas safety certificates.</p> <p><b>5.6</b> Percentage of tenants satisfied with the repairs and maintenance service.</p> <p><b>5.7</b> Percentage of reactive repairs carried out in the last year completed on first visit.</p>	
<p><b>6. Estate management, Antisocial Behaviour, Neighbour Nuisance and Tenancy Disputes</b></p>	<p>Social landlords, working in partnership with other agencies, help to ensure that tenants and other customers live in well-maintained neighbourhoods where they feel safe.</p>
<p><b>6.1</b> Percentage of tenants satisfied with the neighbourhood they live in.</p> <p><b>6.2</b> Number of and reason for tenancy offers being refused during the year.</p> <p><b>6.3</b> Number of incidences of anti-social behaviour reported, resolved and dealt with within locally agreed targets in the last year.</p>	
<p><b>7, 8 &amp; 9. Housing Options</b></p>	<p>Social landlords work together to ensure that:</p> <ul style="list-style-type: none"> <li>» people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them</li> <li>» tenants and people on housing lists can review</li> </ul>

	<p>their housing options</p> <p>Social landlords ensure that:</p> <ul style="list-style-type: none"> <li>» people at risk of losing their homes get advice on preventing homelessness.</li> </ul>
<b>10. Access to Social Housing</b>	Social landlords ensure that people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospects of being housed.
<p><b>No single indicator is proposed for these outcomes. We will use the indicators below along with those relating to outcomes 11: Tenancy sustainment and 12: Homelessness to assess performance.</b></p> <p><b>In addition we will also access ‘context data’ on the management of waiting lists supplied to support the Annual Return on the Charter.</b></p>	
<b>9.1</b>	For RSLs, the total number of section 11 referrals made to local authorities during the last year.
<b>9.2</b>	For local authorities, the percentage of section 11 referrals received from landlords or creditors.
<b>11. Tenancy Sustainment</b>	Social landlords ensure that tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.
<b>11.1</b>	Percentage of new tenancies sustained for more than a year, by source of let.
<b>11.2</b>	Turnover of lettable stock in the last year.
<b>11.3</b>	Number of applicants on waiting list for medical adaptations, the number carried out and average waiting time.
<b>11.4</b>	Number of cases during the year in which: Notices of Proceedings issued; court actions initiated; and orders for recovery of possession granted.
<b>11.5</b>	Number of and reason for evictions in the last year.
<b>11.6</b>	Number of properties abandoned in the last year.
<b>12. Homeless people</b>	Local councils perform their duties on homelessness so that homeless people get prompt and easy access to help and advice; are provided with suitable, good quality temporary or emergency accommodation when this is needed; and are offered continuing support to help them get and keep the home they are entitled to.

- 12.1 Average length of time in temporary or emergency accommodation by type.
- 12.2 Percentage of temporary or emergency accommodation offers refused in the last year.
- 12.3 Percentage of homeless households satisfied with the quality of temporary or emergency accommodation.

**13. Value for Money** Social landlords manage all aspects of their businesses so that tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.

**14 & 15. Rents and Service Charges** Social landlords set rents and service charges in consultation with their tenants and other customers so that:

- » a balance is struck between the level of services provided, the cost of the services, and how far current and prospective tenants and other customers can afford them
- » tenants get clear information on how rent and other money is spent, including any details of individual items of expenditure above thresholds agreed between landlords and tenants.

**No single indicator is proposed for these outcomes/standards. We will use the indicators below along with those relating to outcomes 4: Housing Quality; 5: Repairs and Maintenance; 6: Estate Management etc; and 16: Gypsies/Travellers. In addition we will also access 'context data' on rents/housing stock supplied to support the Annual Return on the Charter and financial information from RSL annual accounts and Councils' housing revenue accounts.**

- 13- 15.1 Percentage of tenants and other service users satisfied with services received for the rent/charges made by their landlord.
- 13- 15.2 Percentage of total rent due actually collected in the last reporting year.
- 13- 15.3 Gross rent arrears (all tenants) as at 31 March each year as percentage of rental income for the reporting year.
- 13- 15.4 Amount of recoverable costs outstanding as at 31 March each year, as a percentage of the value of property factoring services billed and un-billed in the past year.
- 13- 15.5 Percentage of rental income lost through empty properties in the last year.
- 13- 15.6 Average length of time taken to re-let properties in the last year.

<b>16. Gypsies/Travellers</b>	Local councils and social landlords with responsibility for managing sites for Gypsies/Travellers should manage the sites so that sites are well maintained and managed.
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<b>16.1</b>	Cost per pitch
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<b>16.2</b>	Service users satisfaction with site
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<b>Overall satisfaction</b>	Percentage of tenants and other customers satisfied with the overall service provided by social landlords.
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## Appendix 3 - The Regulatory Cycle



